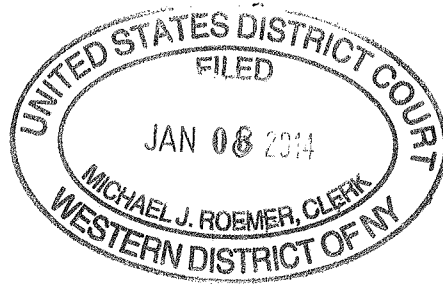


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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-PS-O-

FRANKLIN LARA,

Petitioner,

-v-

CAPTAIN PATRICK ROBERT; P.O. MICHAEL J. ACQUINO;  
P.O. JONATHAN BIER; and D.E.A.,

Respondents.

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**DECISION and ORDER**  
13-CV-0858S

Petitioner, Franklin Lara, who is detained at the Buffalo Federal Detention Facility, filed, *pro se*, a form petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 apparently challenging the seizure of his property (money) by members of the City of Buffalo Police Department and the United States Drug Enforcement Agency ("DEA"). (Docket No. 1.) Attached to the petition is a Notice from the DEA (Asset Id.: 13-DEA-586003) informing petitioner of the seizure of his property for forfeiture, pursuant to 21 U.S.C. § 881, and providing petitioner with directions regarding how to contest the forfeiture—i.e., filing a claim with the Forfeiture Counsel of the DEA by September 12, 2013. See 18 U.S.C. § 983(a)(2)(c). The petition herein was filed on August 23, 2013.

It thus appears that what petitioner intended by the filing of the instant petition was to contest the forfeiture and obtain return of the money seized by the respondents. Because petitioner cannot file a petition for a writ of habeas corpus against the police officers and DEA seeking to contest the forfeiture and assert a claim to the property subject

to forfeiture as set forth in the DEA's Notice, the petition must be dismissed. See Rules 1(b) and 4 of the Rules Governing Section 2254 Cases in the United States District Courts.

In order to inform the DEA and the United States Attorneys Office for the Western District of New York of petitioner's claim to the property set forth in the DEA's Notice, and in the event the United States Attorney has begun forfeiture proceedings in this Court, the Clerk of the Court is directed to forward copies of this Order and the petition with attachments to Forfeiture Counsel, Asset Forfeiture Section, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia, and the United States Attorney's Office, Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202.

IT IS HEREBY ORDERED that the instant petition is dismissed; and

FURTHER, that the Clerk of the Court shall forward a copies of this Order and the petition with attachments to Forfeiture Counsel, Asset Forfeiture Section, Drug Enforcement Administration, HQs Forfeiture Response, P.O. Box 1475, Quantico, Virginia, and the United States Attorney's Office, Western District of New York, 138 Delaware Avenue, Buffalo, New York 14202.

SO ORDERED

Dated: 1/08, 201~~3~~<sup>4</sup>  
Buffalo, New York

  
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WILLIAM M. SKRETNY  
Chief Judge  
United States District Court